IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO.19015 of 2004

Between:

1 Shaik Ghouse Vali Basha, S/o Khamruddin,
R/o Machilipatnam
2 Shaik Subhani Vali Bhasha, S/o Khamruddin,
R/o Machilipatnam

...PETITIONERS

AND

1. Machilipatnam Co-operative Urban Bank Ltd., Rep.by its Secretary, Machilipatnam.
2. Deputy Registrar, Co-operative Societies, Machilipatnam.
3. Shaik Khamruddin, S/o.Abbas Ali, 60 years, Muslim, Business, Machilipatnam.
4. Shaik Mahaboob Vali Basha, S/o.Khamruddin, 40 years, Muslim, Business, Machilipatnam.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 1 & 2 in proposing to conduct the public auction in respect of H.No.30/164-3 (old) presently 30/165 of Malkapatnam, Machilipatnam as arbitrary, illegal and capricious and violative of principles of natural justice and violative of Articles 14,21,300-A Constitution of India and consequently direct the respondents 1 and 2 herein not to conduct any auction

or sale and pass such other orders as may be deemed fit and proper in the circumstances of the case

Counsel for the Petitioners: MR.SIVALENKA RAMACHANDRA PRASAD

Counsel for the Respondents: GP FOR COOPERATION

The Court made the following:

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO.19015 of 2004

ORDER:

The relief as prayed for in the Writ Petition cannot be granted in the exercise of jurisdiction under Article 226 of the Constitution of India since an efficacious alternative remedy is available in the statute.

The Writ Petition is accordingly dismissed, granting leave and liberty to the petitioner to work out appropriate remedy. No costs.

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(G.ROHINI, J)

14th October 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Secretary, Machilipatnam Co-operative Urban Bank Ltd., Machilipatnam.
2. The Deputy Registrar, Co-operative Societies, Machilipatnam.
3. Two CCs to GP for Co-operation, High Court Buildings, Hyderabad (OUT).
4. Two CD copies.